

New Hampshire
State Board of Education
Minutes of the February 13, 2014 Meeting

AGENDA ITEM I. CALL TO ORDER

The regular meeting of the State Board of Education was convened at 9:00 a.m. at the Department of Education, 101 Pleasant Street, Concord, NH. Tom Raffio presided as Chairman.

Members present: Tom Raffio, Cindy C. Chagnon, Gary W. Groleau, Helen G. Honorow, and with Emma Rous teleconferencing. Gregory Odell was unable to be present. Virginia M. Barry, Commissioner of Education and Paul K. Leather, Deputy Commissioner of Education, were present.

AGENDA ITEM II. PLEDGE OF ALLEGIANCE

Chairman Raffio asked for a moment of silence due to the explosion at New Hampshire Ball Bearings in Peterborough. Gary Groleau works for New Hampshire Ball Bearings in Laconia.

Gary Groleau led the pledge of allegiance.

AGENDA ITEM III. PUBLIC COMMENT

Bonnie Dunham spoke as the Chair of the State Advisory Committee on the Education of Children with Disabilities. Senator Stiles has agreed to sponsor a bill relative to Medicaid-funded services provided as a part of a child's individualized education program. This bill provides that Medicaid-funded individualized education services that are provided outside of a child's individualized education program shall not be considered duplicative services, as long as the services in a child's individualized education program are medically necessary. Senator Kelly has also agreed to sign on as a co-sponsor. The tentative public hearing is scheduled for March 3, 2014 at 9:00 a.m. at the LOB Room 103. Bonnie also spoke as a concerned citizen regarding Ed 1120.04 Parental Consent and Ed 1120.08 Public and Private Insurance in the Final Proposal under Legislative Issues. Bonnie distributed three different options to parental consent and would like to see Option 2 which requires initial consent and requests annual consent but if the parent fails to respond within 14 calendar days, their initial consent remains in effect until revoked by the parent put into this rule. She would like to see 1120.04 amended as stated in Option 2.

A. Conditional Approval of Ed 306, Minimum Standards for Public School Approval – A vote is needed by the Board to adopt the conditional approval for Ed 306, Minimum Standards for Public School Approval, to comply with the conditional approval for rule filing 2013-94 approved by the JLCAR. The conditional approval is based on changes to the final proposal as discussed with the staff attorney and JLCAR at its January 17, 2014 public hearing. If we make the changes annotated, the Office of Legislative Services can determine we have amended the rules in accordance with the conditional approval and issue a letter to that affect. The removal of the implementation date is in response to the staff attorney comment that “including this date seems unclear, as the requirements in the rule are currently in place.” The addition of similar language in Ed 306.04 and Ed 306.14 provides clear requirements and differs by when it is required to be implemented. The insertion of the current text of Ed 306.26 allows for rules to be in place until 2017, when the new rules will take effect. For Ed 306.31-Ed 306.48 the relevant sections listed in RSA 193-E:3b have the current text of the rules inserted until July 1, 2015 and “conditioned on legislative approval” in the corresponding rules identified with a ._1 starting as Ed 306.311 with the text from the final proposal.

MOTION: Helen Honorow made the motion, seconded by Cindy Chagnon, that the State Board of Education adopt the changes to the Final Proposal for Ed 306, Minimum Standards for Public School Approval, to comply with the conditional approval for rule filing 2013-94.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

AGENDA ITEM IV. OPEN BOARD DISCUSSION

A. Update on Charter Schools – Chairman Raffio said that there is a rigorous process for charter school approvals. There are currently twenty-two charter schools approved, with eighteen operating. Later at this meeting is a request from a charter school to increase enrollment.

B. Update on Unity - Judith Fillion was joined by Chip Baldwin, the principal of the Unity Elementary School. They shared a report from the State Fire Marshall's Office that gave Trumbell Nelson, the new contractor, permission to make the structure weather tight, install one sample window and complete the heating system. The district is pleased with the progress made by both the new contractor and Banwell architects who are assisting in completion of the design. The district feels confident that the school will be completed by Labor Day.

C. Discussion on Strategic Items from Board Retreat – Heather Gage met with Board members regarding the strategic plan and “dashboard metrics” for the Board. After a robust discussion Board members decided they needed a longer time for discussion and decided on scheduling a mini retreat

D. Discussion on Literacy and Writing Curriculum and Related Data – Dr. Mary Earick, Administrator of the Bureau of Integrated Programs and State Director of the Title I program at the Department, presented a power point presentation on high school reading incentive programs and literacy that Board members had requested. Historically reading incentive programs have had no statistically significant effects in high school settings. They fall within four general categories: Community Engagement or Service Learning Programs, Area Partnerships/Relationships, Multi Media Engagement Programs, and Product Engagement Programs. The effects of these programs are highly associated with matching student interest with project focus. Four categories of programs designed to improve the reading achievement of students in grades 6-12 were presented: Reading Curricula, Computer-Assisted Instruction (CIA); Instructional Process Programs (IP), and Combined CAI and IP Models. The research based programs presented included both contracted and open source targeted and school wide literacy transformation programs. Dr. Earick presented programs vetted by John Hopkins' Best Evidence in Education database and the Institute of Educational Sciences' What Works Clearinghouse as having the highest impact on secondary literacy attainment.

E. Common Core State Standards – Chairman Raffio said that the Board supports Common Core State Standards. Chairman Raffio said he would like to author Op-Ed on the Common Core State Standards as CEO of Northeast Delta Dental, the Chairman of the State Board, and as the Chairman of the New Hampshire Coalition on Business and Education.

MOTION: Helen Honorow made the motion, seconded by Gary Groleau, that Board members authorize Chairman Raffio to issue an Op-Ed on the Common Core State Standards.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

AGENDA ITEM V. SPECIAL PRESENTATIONS

A. Approval of Charter School Amendment Student Enrollment Increase – Academy for Science and Design Chartered Public School – Jennifer Cava, School Director, spoke to the issue. Thomas Frischknecht and Kent Glossop were present. The Academy for Science and Design is requesting the language “The school will serve a maximum of 450 students in grades 6-12” to be changed to the following: “The school will serve students in grades 6-12. The number of students will follow the schedule in Table 1 with adjustments as necessary to compensate for variations in attrition rates to achieve a target graduating class of 75.” Table 1 suggests for 2014-15 500 students, 2015-16 560 students, 2016-17 610 students, and for 2017-18 650 students. Board members expressed concern regarding the enrollment figures.

MOTION: Gary Groleau made the motion, seconded by Cindy Chagnon, that the State Board of Education authorizes the Academy for Science and Design Chartered Public School’s charter amendment to increase student enrollment to 525 students with the understanding the enrollment is not to exceed 500 students through June 2015.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

B. Student/Milton School Board – SB-FY-14-11-007 – The parent, Superintendent Michael Tursi, and Barbara Loughman, Attorney for the Milton School Board, were present. Chairman Raffio asked the parties if they would like this hearing held in public or nonpublic session. The parent elected to hold the hearing in nonpublic session.

MOTION: Helen Honorow made the motion, seconded by Gary Groleau, to go into nonpublic session pursuant to RSA 91-A:3.

VOTE: This was done by a roll call vote: Emma Rous – Yes; Gary Groleau – Yes; Cindy Chagnon – Yes; Tom Raffio – Yes; Helen Honorow – Yes.

Board members came out of nonpublic session.

MOTION: Helen Honorow made the motion, seconded by Gary Groleau, that the State Board of Education voted to accept the Hearing Officer's Report and adopt the Hearing Officer's Recommendation and to seal the minutes indefinitely. The school district decision will be upheld subject to expediting the special education evaluation process as outlined in Ed 1106.01. The Board has requested a follow up report as to the services that will be provided to the student from the February 17th meeting.

VOTE: This was done by a roll call vote: Emma Rous – Yes; Gary Groleau – Yes; Cindy Chagnon – Yes; Tom Raffio –Yes; Helen Honorow – Yes.

C. SAU Items – Paul Leather reported on these items.

1. Wilton-Lyndeborough Cooperative School District Amendment to Articles of Agreement – The Wilton-Lyndeborough Cooperative School District requests State Board approval to place articles on the annual school district warrant to amend the cooperative school district's articles of agreement. RSA 195:18, III, (i) requires that State Board approval be part of the process for amending cooperative school district articles of agreement. One amendment would permit the school board to assign elementary students to either elementary school in the district, regardless of where the student resided. One amendment alters the apportionment of capital expenses such that all capital expenses are apportioned based on 50% on average daily membership and 50% on equalized valuation and eliminates the separate apportionment formula for elementary school capital projects. This formula would apply to any new capital improvements that are approved after the 2014 annual school district meeting. One amendment adds a new article, in anticipation of voter approval of a bond issue for capital improvements to both elementary schools and an addition to the Wilton Elementary School at the 2014 annual school district meeting. It sets out a different apportionment formula from the general formula set out above and is just for this capital improvement project. Approval of this request would allow the Wilton-Lyndeborough School Board to place these amendments on the warrant of the annual school district meeting in 2014. Geoff Brock, School Board Chairman, spoke to this item.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education approve the amendments to the Articles of Agreement adopted by the Wilton-Lyndeborough Cooperative School Board.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

2. Issue Certificate for the Bow Dunbarton Authorized Regional Enrollment Area – A vote by the State Board is needed to certify the vote of the Bow and Dunbarton School Districts taken at their annual meeting March, 2013, which approved the plan for Bow Dunbarton AREA for grades 7-12. At the January 16, 2013 meeting of the State Board, the Board approved the plan for formation of Bow Dunbarton AREA for grades 7-12. At the annual school district meeting the voters in Bow approved the plan by a vote of 301 in favor and 10 opposed, and in Dunbarton by a vote of 298 in favor and 101 opposed. The clerk of the school board has submitted the evidence required by RSA 195-A:14, VII in order for the State Board to make its finding and issue its certificate of formation. Based on the evidence submitted, if the Board finds that a majority of the voters, present and voting, have voted to approve the plan, it may issue a certificate of formation. The certificate of formation is conclusive evidence of Bow Dunbarton AREA for grades 7-12, effective July 1, 2014.

MOTION: Gary Groleau made the motion, seconded by Cindy Chagnon, that the State Board of Education finds that a majority of the voters of Bow and Dunbarton that were present and voted did approve the plan for formation of the Bow Dunbarton AREA for grades 7-12 and the State Board of Education issue a certificate of formation to Bow.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

3. Issue Certificate for the Reorganization of SAU #67 – A vote is needed by the State Board to certify that the statutory procedures were followed for the withdrawal from a SAU and the joining of another SAU. The Dunbarton School District voters approved the withdrawal of Dunbarton from SAU #19 and the Bow and Dunbarton School District voters approved the plan for Dunbarton to join SAU #67. RSA 194-C:2, IV(i) and RSA 194-C:2, III(i) requires the school district clerk to submit evidence to the State Board. If the Board finds that 60% of the voters are in favor of withdrawal and reorganization, they are required to issue a certificate as evidence of lawful formation of the two district school administrative unit. There were 343 voters in Dunbarton that voted on the question of withdrawal and reorganization with Bow, of that number 319 voted in

favor of withdrawing. In order to meet the 60% requirement 205.8 affirmative votes were necessary. There were 275 voters in Bow, of that number 269 voted in favor of the reorganization. Therefore, the State Board may issue a certificate as evidence of the lawful withdrawal and reorganization of the two district SAU, containing the Bow and Dunbarton School Districts, effective July 1, 2014.

MOTION: Gary Groleau made the motion, seconded by Cindy Chagnon, that the State Board of Education acknowledge that the voters in the Dunbarton School District, present and voting, having voted to withdraw from SAU #19, by the necessary 3/5 majority required by law and the voters in Dunbarton and Bow having voted to reorganize SAU #67, by the necessary 3/5 majority required by law, have lawfully reorganized SAU #67 and that the State Board issue its certificate of reorganization.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

D. 10,000 Mentors – Fred Bramante spoke and made a power point presentation on 10,000 Mentors. The 10,000 Mentors is an effort of Fred Bramante and the National Center for Competency-Based Learning. This project fully integrates with the Board's and Department of Education's vision for school redesign and efforts to harness community resources for the benefit of New Hampshire schools and students. Its clear intention is to provide students with more opportunities to take ownership of their learning and this concept, at its core, is designed to accomplish this task. Mr. Bramante said they would like to partner with school districts and community partners to support this effort. Dr. John Freeman, Superintendent of Schools from SAU #51 Pittsfield, was also present and spoke to the issue. Dr. Freeman said his district is involved in this project.

MOTION: Gary Groleau made the motion, seconded by Cindy Chagnon, that the State Board of Education endorse the concept of 10,000 Mentors and authorize the Chairman and Commissioner to write a letter of support.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

AGENDA ITEM VI. NEW DEPARTMENT BUSINESS

There was no New Department Business at this meeting.

AGENDA ITEM VII. LEGISLATIVE ISSUES

A. Initial Proposal for Ed 302, Duties of School Superintendents, Ed 303, Duties of School Boards, Ed 304, Duties of School Principals, Ed 311, School Health Services, Ed 316, Procedure to Mark Drug-Free School Zones, and Ed 900, Dropout Prevention and Recovery Program – A vote is needed by the State Board to enter the rulemaking process to adopt this initial proposal. These rules are being readopted because they are due to expire March 15, 2014. If the Board adopts the initial proposal, the Department will enter the rulemaking process by filing it with the JLCAR, along with a request for a fiscal impact statement. The Board will hold a public hearing at its April meeting. This information will be published in the Rulemaking Register next month.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education adopt the Initial Proposal for Ed 302, Duties of School Superintendents, Ed 303, Duties of School Boards, Ed 304, Duties of School Principals, Ed 311, School Health Services, Ed 316, Procedure to Mark Drug-Free School Zones, and Ed 900, Dropout Prevention and Recovery Program and the State Board will hold a public hearing on this filing for April 24, 2014 at 11:00 a.m.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

B. Final Proposal for Ed 1200, Limiting the Use of Child Restraint Practices, Ed 1113.04-06 and Ed 1114.07-.09, Behavioral Interventions, Ed 1120.04, Parental Consent, and Ed 1120.08 Public and Private Insurance

MOTION: Cindy Chagnon made the motion, seconded by Helen Honorow, to table this Final Proposal for Ed 1200, Limiting the Use of Child Restraint Practices, Ed 1113.04-06 and Ed 1114.07-.09, Behavioral Interventions, Ed 1120.04, Parental Consent, and Ed 1120.08 Public and Private Insurance until the March 13, 2014 meeting.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

C. Adopted Rule for Ed 306, Minimum Standards for Public School Approval (Pending Receipt of Conditional Approval)

MOTION: Gary Groleau made the motion, seconded by Helen Honorow, to table the Adopted Rule for Ed 306, Minimum Standards for Public School Approval until the March 13, 2014 meeting.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

D. Final Proposal - Ed 315, Home Education Program – A vote is needed by the State Board to adopt the Final Proposal for Ed 315, Home Education Program. The Department has made changes to the Initial Proposal in order to respond to comments from public testimony and the staff attorney who reviewed the rule for the JLCAR. The Final Proposal will be submitted to the JLCAR for its review. After a public hearing and approval by the JLCAR, the State Board may then adopt the final rule at its next regularly scheduled meeting.

MOTION: Gary Groleau made the motion, seconded by Cindy Chagnon, that the State Board of Education adopt the Final Proposal for Ed 315, Home Education Program.

VOTE: The motion was adopted by a vote of 5 – 1 with Emma Rous voting in the opposition, with the Chairman voting.

E. Final Proposal - Ed 501-503, Certification Information, Ed 507.11 and Ed 612.04, Elementary Education – A vote is needed by the State Board to adopt the Final Proposal for Ed 501-503, Certification Information, Ed 507.11 and Ed 612.04, Elementary Education. The Department has made no changes to the Initial Proposal.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education adopt the Final Proposal for Ed 501-503, Certification Information, Ed 507.11 and Ed 612.04, Elementary Education.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

AGENDA ITEM VIII. NEW BOARD BUSINESS

Chairman Raffio said he would be writing an Op Ed on the Common Core State Standards. Chairman Raffio said that he had asked Gary Groleau to testify at legislative hearings. Chairman Raffio said the Board is pro common core and minimum standards.

AGENDA ITEM IX. COMMISSIONER'S REPORT

Commissioner Barry reported that Department staff have been attending legislative sessions. There will be federal and state Department audits in the spring. The Business Administrator has resigned and we are in the process of hiring another one. The position is a complex one with federal requirements that have to be followed along with administrative rules governing the state. The Department is reviewing charter school funding regarding adequacy.

AGENDA ITEM X. OLD BUSINESS

There was no Old Business.

AGENDA ITEM XI. CONSENT AGENDA

A. Minutes of January 14, 2014 Meeting –

MOTION: Cindy Chagnon made the motion, seconded by Helen Honorow, to approve the Minutes of January 13, 2014.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

B. Tuition Contract – Deerfield School District/Concord School District
Deerfield does not maintain a public high school. The Concord School District does maintain a high school that is approved by the Board and is willing to accept Deerfield students on a tuition basis. Approval of this tuition contract will permit high school students, who reside in the Deerfield School District, to receive a public education in the Concord School District at Deerfield's expense. It will also make Concord School District's high school the high school maintained by the Deerfield School District, set forth in RSA 194:22. This is an amendment to the current agreement. The amended contract extends the maximum term to June 30, 2024.

MOTION: Cindy Chagnon made the motion, seconded by Helen Honorow, that the State Board of Education voted to approve the Tuition Contract between the Deerfield School District and the Concord School District.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

C. Tuition Contract – Rollinsford School District/Marshwood School District, Maine – Rollinsford does not maintain a public junior or senior high school. The Marshwood School District of South Berwick, Maine does maintain a junior and senior high school that is approved by the Department of Education of the State of Maine and is willing to accept Rollinsford students on a tuition basis. Approval of this tuition contract will permit junior and senior high school students, who reside in the Rollinsford School District, to receive a public education in the Marshwood School District at Rollinsford's expense. It will also make Marshwood School District's junior and senior high schools the junior and senior high school maintained by the Rollinsford School District, set forth in RSA 194:22.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education approve the Tuition Contract between the Rollinsford School District and the Marshwood School District of South Berwick, Maine effective July 1, 2015 to June 30, 2021.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

D. Minutes of Nonpublic Session January 14, 2014

MOTION: Gary Groleau made the motion, seconded by Helen Honorow, to approve the Minutes of the Nonpublic Session January 14, 2014 and to seal the minutes indefinitely.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

AGENDA ITEM XII. TABLED ITEMS

There were no Tabled Items at this meeting.

AGENDA ITEM XIII. NONPUBLIC SESSION

The Board went into Nonpublic Session under Special Presentations.

AGENDA ITEM XIV. ADJOURNMENT

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, to adjourn the meeting at 12:07 p.m.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.



Secretary